

## **REMARKS**

### **Double Patenting Rejections**

In the Office Action dated April 5, 2002, claims 1-11 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-28 of U.S. Patent No. 6,362,439 B1 to Reichow (hereinafter "Reichow"). Without addressing the merits of the Examiner's conclusion relating to the patentable distinction between claims 1-11 of the pending application and claims 17-28 of Reichow, the Applicants respectfully submit that this rejection is improper and should be withdrawn.

"Before consideration can be given to the issue of double patenting, there must be some common relationship of inventorship and/or ownership of two or more patents or application." MPEP 804. Reichow lists Keith Reichow as the sole inventor and Stress-Tek, Inc. as the sole assignee. The present application lists Donald L. Mobley, Steve A. Dixon, and Randall K. Hopkins as inventors. Hill-Rom Services, Inc. is the current assignee of the present application.

There is no recognized common relationship between the inventorship and/or ownership of Reichow and the present application. In Applicants' previous response dated October 7, 2002, Applicants' enclosed a complaint alleging an inventorship dispute involving Reichow, among other things. Applicants have withdrawn this complaint and are not currently challenging the ownership or inventorship of Reichow. Thus, based on the currently recognized inventorship and ownership of Reichow and the present application, the present double patenting rejection is improper and should be withdrawn.

### **New Claims**

New claims 12-51 have been added to the application. Consideration of these claims is respectfully requested.

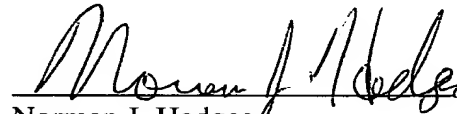
### **Final Remarks**

Applicants filed an Amendment and Reply on October 7, 2002 that was responsive to the Office Action dated April 5, 2002. The Examiner has not acted upon Applicants' Amendment and Reply because of the suspended prosecution. With this Request for Continuance of Prosecution, Applicants respectfully request that the Examiner act upon the Amendment and Reply filed on October 7, 2002.

In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned. The undersigned can be reached at (317) 684-5000 during normal business hours.

Respectfully submitted,

BOSE McKINNEY & EVANS

A handwritten signature in cursive script, appearing to read "Norman J. Hedges", written over a horizontal line.

Norman J. Hedges

Registration No. 44,151

Indianapolis, Indiana  
(317) 684-5281

499805\_2